

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion and the accompanying Information Disclosure Statement, is respectfully requested.

Claims 1-15 and 19-24 are presently active. Claims 1-3, 8, 13, 14, 19, and 20 have been presently amended. These claims have been amended to address some minor inconsistencies in the claim terminology. No new matter has been added.

The claims have not been amended in an effort to avoid the art now made of record in the Information Disclosure Statement filed herewith. The material submitted with the Information Disclosure Statement is not believed to affect the patentability of the previously presented or pending claims, but rather has been submitted in an abundance of caution and in keeping with M.P.E.P. § 2004 which states:

When in doubt, it is desirable and safest to submit information. Even though the attorney, agent, or applicant doesn't consider it necessarily material, someone else may see it differently and embarrassing questions can be avoided. The court in *U.S. Industries v. Norton Co.*, 210 USPQ 94, 107 (N.D. N.Y. 1980) stated "In short, the question of relevancy in close cases, should be left to the examiner and not the applicant." See also *LaBounty Mfg., Inc. v. U.S. Int'l Trade Comm'n*, 958 F.2d 1066, 22 USPQ2d 1025 (Fed. Cir. 1992).

In view of the present amendment and in light of the above discussion, the application as amended herewith is still believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)

Ronald A. Rudder, Ph.D.
Registration No. 45,618